



IN THE  
TENTH COURT OF APPEALS

---

No. 10-10-00456-CR

IN RE MANUEL ROBINSON

---

Original Proceeding

---

---

MEMORANDUM OPINION

---

---

Manuel Robinson, who states that he was convicted of capital murder and received a life sentence, has filed a petition for writ of mandamus<sup>1</sup> that requests us to order the convicting court (the 54th District Court of McLennan County) to provide Robinson a free record for his appeal.<sup>2</sup>

---

<sup>1</sup> Robinson's "application" for writ of mandamus has several procedural deficiencies. It does not include the certification required by Rule of Appellate Procedure 52.3(j). *See* TEX. R. APP. P. 52.3(j). It lacks a certified or sworn record, as required by Rules 52.3(k) and 52.7(a)(1). *See id.* 52.3(k), 52.7(a)(1). And it lacks proof of service on the Respondent, the Judge of the 54th District Court, and on the McLennan County District Attorney, the Real-Party-in-Interest. *See id.* 52.2. A copy of all documents presented to the Court must be served *on all parties* to the proceeding and must contain proof of service. *Id.* 9.5. Because of our disposition and to expedite it, we will implement Rule 2 and suspend these rules in this proceeding only. *Id.* 2.

<sup>2</sup> Robinson's petition alleges that he gave "timely notice of appeal" on June 3, 2010. We have no record of this purported appeal.

An indigent criminal defendant has a constitutional right to a free appellate record in a first appeal of right. *Turner v. State*, 71 S.W.3d 928, 929 (Tex. App.—Waco 2002, order) (citing *Griffin v. Illinois*, 351 U.S. 12, 18-19, 76 S.Ct. 585, 590-91, 100 L.Ed. 891, 899 (1956), and *Abdnor v. State*, 712 S.W.2d 136, 139 (Tex. Crim. App. 1986)).<sup>3</sup> The rules of appellate procedure applicable to a direct appeal, not an original proceeding, are the proper manner for an indigent defendant to obtain the record. *See id.* at 929-30. Accordingly, the petition for writ of mandamus is denied.

REX D. DAVIS  
Justice

Before Chief Justice Gray,  
Justice Davis, and  
Justice Scoggins

Denied  
Opinion delivered and filed January 19, 2011  
Do not publish  
[OT06]

---

<sup>3</sup> A defendant is not entitled to a free copy of the record after exhausting the direct appeal in the absence of a specific, compelling reason. *See In re Strickhausen*, 994 S.W.2d 936, 937 (Tex. App.—Houston [1st Dist.] 1999, orig. proceeding); *In re Coronado*, 980 S.W.2d 691, 693 (Tex. App.—San Antonio 1998, orig. proceeding); *Eubanks v. Mullin*, 909 S.W.2d 574, 576-77 (Tex. App.—Fort Worth 1995, orig. proceeding).